

November 17, 2020

Mr. Henry Leskinen  
Eco-Science Professionals Inc.  
P O Box 5006  
Glen Arm MD 21057

Re: Spiegel Property, 9925 Bird River Rd. Middle River 21220  
Forest Buffer Variance  
Tracking No. 06-20-3299

Dear Mr. Leskinen:

The Department of Environmental Protection and Sustainability (EPS) has completed a review of the request for a variance from Baltimore County Code Article 33, Title 3, Protection of Water Quality, Streams, Wetlands and Floodplains submitted for the above referenced property. The request proposes to permanently impact 26,339 square feet of the forest buffer for construction of a residential subdivision. The buffer impacts include 7,443 square feet of open water, 1,671 square feet of emergent wetland, 10,412 square feet of woody vegetation, and 6,813 square feet of meadow. No impacts to stream channels, defined forest, or 100-year floodplain areas are proposed in this variance request. The applicant proposes to mitigate for the impacts through purchase of credits in an approved forest buffer mitigation bank.

This Department has reviewed the request, and has determined that a practical difficulty/unreasonable hardship does exist based on the location of the pond, wetlands, and the associated forest buffers on this property. Historical mining activity on the property has resulted in ponds and depressions that have developed into wetlands throughout a large area of the northern part of the site. While the majority of these areas are to be protected, the two areas that are the subject of this variance request are more isolated and highly constrain residential development of the property. Based on the current layout, buffer impacts have been minimized to the extent possible when considering the location of streams, ponds, wetlands, and the required forest buffers. Therefore, the potential for impacts to water quality and aquatic resources as a result of the development of this property can be minimized with mitigative measures.

Based on this review, the proposed development with parking lot grading impacts within the required forest buffer on this property meets the requirements of Baltimore County Code Section 33-3-106. The approval is subject to the following conditions to minimize water quality impacts:

1. The following note must appear on all plans submitted for this project:

“On November 17, 2020, a variance was granted by the Baltimore County Department of Environmental Protection and Sustainability from Baltimore County Code Article 33, Title 3

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Protection of Water Quality, Streams, Wetlands and Floodplains for impacts to forest buffer area on the referenced property for construction of a residential subdivision. Conditions were placed on this variance to reduce water quality impacts.”

2. The proposed purchase of credits in an EPS approved off-site forest buffer mitigation bank is acceptable (2:1 for the wooded buffer impacts, 1:1 for non-forested buffer impacts). Details of all mitigation, including mitigation required in the alternatives analysis review for this project, must be presented in a Forest Buffer Protection Plan (FBPP). The FBPP must be approved prior to any permit approvals for this site. Mitigation bank use is subject to availability.
3. “Forest Buffer-Do Not Disturb” signs shall be installed on the approved forest buffer limits. The location of the signs, and the sign specifications must be shown on the FBPP.
4. State and Federal approvals for wetland and buffer impacts must be provided prior to the approval of any permit for the property.
5. Any grading and sediment control plans must be reviewed and approved by this office.
6. All conditions of this variance must be completed to the satisfaction of this Department prior to any permit approvals for this project, unless otherwise stated above.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require approval of an amended variance request.

Please have the property owner sign the statement at the end of this letter, and return the signed original of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Paul Dennis at (410) 887-3980.

Sincerely yours,

David V. Lykens  
Director

DVL: pad

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I/We agree to the above conditions to bring my/our property into compliance with Baltimore County Code Article 33. Environmental Protection And Sustainability, Title 3. Protection of Water Quality, Streams, Wetlands, And Floodplains:

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Property Owner

Date

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Printed Name of Property Owner